Robert B. Womsley
John C. Lombard
Ronald S. Pretek D. S. Linder, S. Pretek D. S. Linder, J. Robert J. Stephen Herbert
Hugh E. Wall, III
Robert P. Bartlett, Jr.
Glenn L. Bower
J. Stephen Herbert
John A. Cumming
Fred A. Ungerman, Jr.
R. Scott Blackburn
Richard A. Schwartz
Sam Warwar
Terence C. Fague
Anne M. Frayne

Kevin J. O'Brien Timothy D. Hoffman John C. Chambers Steven C. Scudder\* Laura G. Harrelson Martine R. Dumn Douglas M. Venture

Douglas M. Ventura Brett L. Thurman C. Marshall Esler, Jr.

Thomas M. Hanna Randolph J. Bernard Susan N. Elliott

Susan N. Entott Gregory T. Engler Kathleen M. Whalen Elizabeth J. Hurley Mattison C. Painter Peter A. Igel Mary J. Kosterlitz\*\*

\*Admitted in Illinois only \*\*Admitted in Virginia only

J. Bradford Coolidge

Retired Hugh E. Wall, Jr.

Janice M. Paulus Belinda H. Simile Douglas C. Taylor James M. Hill COOLIDGE
WALL
WOMSLEY &
LOMBARD

A Legal Professional Association 600 IBM Building 3.5 West First Street Dayton, Obio 45402 513-223-8177 Telecopier: 513-223-6705 Cable: COO1-LAW

September 18, 1990

## FEDERAL EXPRESS AND FACSIMILE 312-353-9176

Debbie Fript USEPA - Region V Emergency Support Section 5HS-12 230 S. Dearborn Street Chicago, Illinois 60604

Re: Himco Landfill, Elkhart, Indiana

Dear Ms. Fript:

We represent the interests of E.S.I. Meats, Inc. ("E.S.I."), with regard to the Himco Landfill investigation being conducted by your agency. On September 11, 1990, our client received a letter from the EPA regarding its plan to connect homes near the Himco Landfill to a municipal water supply due to elevated concentrations of sodium. This letter further invited E.S.I. to perform or finance this activity.

However, as we have previously indicated, a thorough review of our records revealed that there is no evidence that E.S.I. generated any hazardous waste during the relevant period, much less any hazardous waste at the Himco Landfill. Accordingly, at this time, we must, on behalf of E.S.I., decline the invitation to perform or finance the activities on the basis of the information currently available to us.

Obviously, we will continue to cooperate with the EPA in their investigation. If evidence should arise during the course of this investigation which implicates E.S.I. as a hazardous waste generator at the Himco Landfill, we will revaluate our position. Further, if you have any information that indicates that E.S.I. was either a generator of hazardous waste during the relevant time period or a generator of hazardous waste at the Himco Landfill, we would appreciate your providing it to us as soon as possible.

Legal Services Since 1853

COOLIDGE
WALL
WOMSLEY &
LOMBARD

A Legal Professional
Association

Debbie Fript September 18, 1990 Page 2

Thank you for your consideration in this matter. If you have any questions, do not hesitate to contact me.

Very truly yours,

James M. Hill

6320065\375

600 IBM Building COOLIDGE, WALL, WOMSLEY & Dayton, Ohio 45402 LOMBARD 513/223-8177 Telecopier: 513/223-6705 Cable: COOL-LAW A Legal Professional Association Date 9-18-90 our Client No. 63200 55 DELIVER TO DEBBIE FRIPT REQUESTED BY JAMES M. HILL NUMBER OF PAGES (INCLUDING COVER SHEET) 3 TELECOPIER NO. SENDING TO: 112-353-9176 IF YOU DO NOT RECEIVE ALL PAGES, PLEASE NOTIFY HELEN OR ALICE AT (513) 223-8177 AS SOON AS POSSIBLE. THANK YOU. I:\CWWLFORM\FAX.FRM

Mall sy actib A Myers briss J. Grushberg erfry A Melisikk Merie F. Wilberdins Hugh E. Will Ell

Pred a congentian, le A Seco delications Richard & Sawarge

Timothy by Maftinar John C. Chambers Steven C. Scudder Laura G. Harrelson Martine B. Dorn Douglas M. Michael Brett L. Francisch Brett L. Francisch G. Matsata in G. Matsat

Januce AL PA des Belinda II dans ill Deugas e Janus di B Thomas al Desga

Randifet Fill of A Suspend Fill

Gregory Constitution V Market Elizabeth

Mary Liber

Partition Plantage

Sate Marthar Teremont feat. Anne Militaria Kevin J. G. Sate



1

500 HM Seiding 51 West 7th Seiding Dayton, Ome 41462 513-223-8177 Relecopter, \$13-225-670 Capie: COOL-LAW

A Legal Professional Association

September 18, 1990

## FEDERAL EXPRESS AND FACSIMILE 312-353-9176

Debbte Fript
USEPA - Region V
Gency Support Section 5HS-12
Gency Dearborn Street
Hage, Illinois 60604

Ro: Himco Landfill, Elkhart, Indiana

Duar Ms. Fript:

represent the interests of E.S.I. Meats, Inc. ("E.S.I."), with regard to the Himco Landfill investigation being conducted by your agency. On September 11, 1990, our client received a letter from the EPA regarding its plan to connect homes near the Himco Landfill to a municipal water supply due to elevated concentrations of sodium. This letter further invited E.S.I. to perform or finance this activity.

However, as we have previously indicated, a thorough review of our records revealed that there is no evidence that E.S.J. generated any hazardous waste during the relevant period, much less any hazardous waste at the Himco Landfill. Accordingly, at this time, we must, or behalf of E.G.T., decline the invitation to perform or finance the activities on the basis of the information currently available to as.

investigation. If evidence should arise during the course of the investigation which implicates E.S.I. as a hazardous waste generator at the Hinco Landfill, we will revaluate our position. Further, if you have any information that indicates that E.S.I. was either a constant of hazardous waste during the relevant time period or a generator of hazardous waste at the Hinco Landfill, we would appreciate your position it to us as soon as possible.



WINNE &

Debbie Fript September 18, 1990 Page 2

Thank you for your consideration in this matter any questions, do not hasitate to contact me. H n O

Very

amen × H111

320065\375

	EE EL	QUESTIONS?	CALL 800-	238-5	999 FE	ILL FACI	E.		AIRBILL IUMBER	3	98	
+30	720.1M	3982		a namana and a second a second and a second	The state of the state of	garanter Constant					-	•
i <b>F</b>	TO THE FUND HOW WATER	1954	The state of the s	د د داد اید. د خان المحدودییی	and the second							
10.0	From (Your Name) Please Print	72 9-18-90	Your Phone Num	Der (Very Im	sportant)		pient's Na	me) Please Print			Recipient's !	Phone Number (Very Imp
100	JAMES E STIT	<u> </u>	(513)		8177			e Prii	2		(	)
	COOLIDGE WALL	WONSLEY LO	Department/Floo 開告点款()	Pr NO.		Company					. ⇔paranen	nt/Floor No.
Ì	Street Address	4 11				Exact Str	eet Addre			Codes WIII Rule;	y Ballyary A	ad Result in Extra Chin
	33 W FIRST NO	C IBM BICK					HP'	ENCY	KEESE	T-REC		5HS-12
Ī	DAY TON	State QH	23P Required !	or Correct II	rvoicing	City				State	ZPS	treet Address Zip Requ
Ì	a managas seguina	eting (finet 24 charact)		. 11 .		LC	HIC	NGO PREK-UP	AT THE STATE	11	معيا	
	6330005 HI	NCO DESAP						treat Acidirate (Sec	Service Guide a	T Call 800-236-	5355)	Federal Express Base Charges
	CALVACENT LABOR Consider   DW 1900 NO.	REFERENCE PRODUCTION 1 1 DRIESELT										
İ					Credit Card		<b>3</b>	ity	· <del>-</del>	State		Declared Value Ch
		MELINERY AND SPECI	AL MANUAL INC			TOOM MELLANES		ity Zip Code of	Street Address A			record or cold
	CHECK ONLY OME NON	DELIVERY AND SPECIAL CHEEK SERVICES	AL MANUAL INC	¥22	ortion?	Na R	盟	gp ● Zip Code of		lequired		
-	CHECK ONLY ONE SON	MELINERY AND SPECI	AL MANUAL INC	¥22		Na R			Dete	lequired		
	CHECK ONLY ONE BOX	MELIVERY AND SPECI CHECK SERVICES  1 MILITARY PROCESS 2 MATTER WEEKING 3 DELIVER SATURDA	AL MANDE ING REQUIRED	¥22	BS LBS	Na R	OFFI SUZE	inp. No.  Cash Received  Return Shipment	Date	equired B	no To Hord	Declared Value Cha
_	COMP ONLY ONE SON  CHECK ONLY ONE SON  COUNTY PAR Overnight Envelope to 12 (2 15 %)  COUNTY TAKEN A  Descripting Son  A	BELIVERY AND SPECE CHECK SERVICES  1	AL MANDE ING REGOVERED	PAGRABES	BS LBS LBS LBS	YOU RELAKED	OFFICE OF THE PROPERTY OF THE	ge ezip Code of . imp. No. ☐ Cash Received	Dete	equired B	ig. To Hold	
_	Cosh  CHECK ONLY ONE DON  COUNTS ON PACKAGES	BELIVERY AND SPECE GWEEK SERVICES  T   MAIN FIRST PICTUP  AND INCOME HE MAYOR  2 MARITER WEEKANY  3 DELIVER SATURBA  4 MAINTER SERVING AN PRES  5 CONSTANT SAMPLELL  GENT CHANGE AND FOR COM	AL MAHDLING REPORTED  If Edg churps  Light State churps  Light Search Costs)  plant Search S	PAGRABES	BS LHS LBS LBS	Na R	OFFICE OF THE PROPERTY OF THE	imp. No.  Cash Received  Return Shipment  Third Party	Date	equired B	ig, To Hold	Origin Agent Charg
	Cuery CHECK ONLY ONE BOX  CHECK ONLY ONE BOX  CHECK ONLY ONE BOX  ONE BOX OF THE CHECK  CHECK ONLY ONE BOX  CHECK ONLY ONE BOX  CHECK ONLY ONE BOX  CHECK ONLY ON BOX  CHECK ONLY ON BOX  CHECK ONLY ONLY ONLY ONLY ONLY ONLY ONLY ONLY	BELIVERY AND SPECIFICATION OF THE PROPERTY OF	AL MAINDLING REPORTED  Y Extra charges  LOC SERVICE (CSS)  phine discisor 5)	MCRABES  Total  Received:	BS BS Total	Total	oven suzt	imp. No.  Cash Received  Return Shipment  Third Party	Date	equired  Co	g, To Hold	Origin Agent Char
	Cosh  CHECK ONLY ONE BOX  CHECK ONLY ONE BOX  CHECK ONLY ONE BOX  TONE BOX  TONE BOX  ONLY ONE BOX  TONE	BELIVERY AND SPECIAL SERVER  BELIVERY AND SPECIAL SERVER  1	AL MAINDLING REPORTED  Y Extra charges  LOC SERVICE (CSS)  phine discisor 5)	Total Received	BS LBS Total  At Regular Str	Total	oven size	imp. No.  Cash Received  Reum Shipmen  Third Party  Street Address	Date	equired  Co		Origin Agent Charg  Cither  Total Charges
	Cash  CHECK ONLY OME BOX  OVERMONT OF COVERY  COUNTY PAR OVERY  COUNTY PAR OVERY  COUNTY PAR OVERY  COUNTY PAR OVERY  COUNTY TAKE 'S 'S  DOING THE BOX  A DOING THE BOX  STANDARD AIR  Delivery not lear than second outsiness day  SERVICE COMMITMENT  PROSTY 1 - Delivery is scheduled sally next business more  read to contain many lies not on the business day it in	BELIVERY AND SPECIE CHECK SERVICES  1	AL MAINDLING REPORTED  Y Extra charges  LOC SERVICE (CSS)  phine discisor 5)	Total  Received: 1001 300 Drop Bo	BS BS Total	Total	SZZZ	mp. No.  Cash Received  Return Shipment  Third Party  Street Address	Date	equired  Co		Origin Agent Charg  Other  Total Charges
	Cosh  CHECK ONLY ONE BOX  CHECK ONLY ONE BOX  CHECK ONLY ONE BOX  TONE BOX  TONE BOX  ONLY ONE BOX  TONE	BELIVERY AND SPECE CHECK SERVICES  T   MAIN FIRST PICK-UP AND INCOME HEADY  2   MAINTER WEEKMAY  3   DELIVER SATURBA  4   MAINTER WEEKMAY  5   CONSTANT SUMMERL  6   MAY NE  7   OTHER SPECIAL SERV  8   9   SATURBAT PICK-UP  (Extra charge)	AL MAHDLING REPORTED  If Eith churps  Light Service (CSS)  white decion 9  Light Service (CSS)	Total  Received: 1001 300 Drop Bo	BS BS Total	Total  Total  Total  C. Stati	E E	imp. No.  Cash Received  Reum Shipmen  Third Party  Street Address	Dete	B _ On	Žip	Origin Agent Charge Other Total Charges PART #106001 REV. 5/87